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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,208	11/12/2003	Anand Chellappa	70279.011200	8296
<div>7590      06/18/2007</div> <div>Mark Krietzman Suite 400 E 2450 Colorado Ave. Santa Monica, CA 90404</div> <div>EXAMINER CHEN, BRET P</div> <div>ART UNIT      PAPER NUMBER</div> <div>1762</div> <div>MAIL DATE      DELIVERY MODE</div> <div>06/18/2007      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,208	<b>Applicant(s)</b> CHELLAPPA ET AL.	
	<b>Examiner</b> B. Chen	<b>Art Unit</b> 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

Claims 1-22 are pending in this application.

#### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, 21-22, drawn to a method, classified in class 427, subclass 230.
- II. Claims 19-20, drawn to an apparatus, classified in class 118, subclass 300.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as etching.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with John Wall on May 2, 2007, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-18, 21-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-20 are

Art Unit: 1762

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

It is noted that the claimed invention is directed solely to a method. The examiner suggests amending the title to reflect same.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18, 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 3, the term "small quantity" is deemed a relative term which renders the claim indefinite. The term "small" is not defined by the claim, the specification does not provide

Art Unit: 1762

a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The same issue applies to claims 6, 11.

In claim 1 lines 3-4, the phrase "principal surfaces" is deemed vague and confusing and/or is confusing as to what it is referring to. What is a principal surface? How does one define it? What is not a principal surface in the reactor? The same issue applies to claim 6.

In claim 6 line 4, the phrase "of said a cold spray" is vague and confusing.

In claim 10, the phrase "further comprising the step of depositing a catalyst on a support structure ... or mesochannels" is deemed vague and confusing. It is not clear how this prepares a hydrogen generation reactor chamber to reduce coking.

Claim 16 is confusing as it depends on itself. The examiner assumes that claim 16 should depend on claim 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-9, 11-12, 15-18, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. (4,297,150) in view of Subramanian et al. (6,444,259).** Foster discloses a process for forming protective metal oxide films on metal or alloy substrate surfaces susceptible to coking, corrosion or catalytic activity by preoxidizing the substrate surface and then depositing on the pre-oxidized surface a metal oxide of Ca, Mg, Al, Ga, Ti, Zr, Hf, Ta, Nb or Cr by vapor phase decomposition of a volatile compound of the metal which has at least one metal-oxygen bond (col.1 line 64 – col.2 line 8). The process of the present invention is suitable for protecting surfaces of metals or alloys comprising one or more of copper, aluminium, titanium, zirconium, tantalum, chromium, cobalt, nickel and iron, which are most commonly used in the construction of reactors and structures (col.2 lines 22-37). However, the reference fails to specifically teach a hydrogen generation reactor chamber.

It is noted that the reference clearly teaches that the process of the present invention is suitable for protecting surfaces of metals used in the construction of reactors and structures employed as noted above. One skilled in the art would reasonably expect that Foster is directed to chamber and reactors having the metallic surfaces. Hence, it would have been obvious to one skilled in the art to utilize Foster's process on a hydrogen generation reactor chamber with the expectation of obtaining similar results.

In addition, Foster fails to teach cold spraying. Subramanian discloses a process for applying a thermal barrier coating to a turbine component using a cold spray process for the express purpose of obtaining precise control (col.2 lines 25-43) compared with thermal processes (col.1 line 61 – col.2 line 14). It would have been obvious to substitute the cold spraying process

Art Unit: 1762

of Subramanian for the thermal processes of Foster with the expectation of obtaining better control.

In claim 5, the applicant requires a port. One skilled in the art after reading the above references would reasonably expect that similar results could be obtained no matter what the geometric configuration of the reactor. Hence, it would have been obvious to include a port with the expectation of obtaining similar results. The same issue applies to the tube surfaces and protrusions.

The limitations of claims 2-9, 11-12, 15-18, 21-22 have been addressed above.

***Allowable Subject Matter***

Claims 10, 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bc  
6/13/07



**BRET CHEN**  
**PRIMARY EXAMINER**